

SPENCER HOSIE (CA Bar No. 101777)  
shosie@hosielaw.com  
BRUCE WECKER (CA Bar No. 078530)  
bwecker@hosielaw.com  
GEORGE F. BISHOP (CA Bar No. 89205)  
gbishop@hosielaw.com  
HOSIE RICE LLP  
One Market, 22nd Floor  
San Francisco, CA 94105  
(415) 247-6000 Tel.  
(415) 247-6001 Fax

ROBERT J. YORIO (CA Bar No. 93178)  
yorio@carrferrell.com  
CARR & FERRELL LLP  
2200 Geng Road  
Palo Alto, CA 94303  
(650) 812-3400 Tel.  
(650) 812-3444 Fax

Attorneys for Plaintiff  
**PRIVASYS, INC.**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PRIVASYS, INC.

Plaintiff,

V.

AMERICAN EXPRESS COMPANY and  
AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY, INC.,

### Defendants.

Case No. C-08-01072 SI

**STIPULATION OF DISMISSAL WITH  
PREJUDICE AND [PROPOSED]  
ORDER**

1 Pursuant to an agreement of the parties dated August 29, 2008, the undersigned  
2 parties, through their respective counsel, hereby stipulate to dismissal of the above-captioned  
3 case in its entirety as follows:

- 4 1. All claims and counterclaims are dismissed with prejudice.  
5 2. Each party shall bear its own costs of suit and attorneys' fees.

6 **IT IS SO STIPULATED**

7 DATED: September 11, 2008

HOSIE RICE LLP

8 By: /s/ George F. Bishop  
George F. Bishop

9 *Attorneys for Plaintiff PrivaSys, Inc.*

10 DATED: September 11, 2008

KIRKLAND AND ELLIS LLP

11 By: /s/ Perry Clark  
Perry Clark  
12 KIRKLAND & ELLIS LLP  
950 Page Mill Road  
13 Palo Alto, CA 94303  
14 Office: 650 248 5817  
15 Email: pclark@kirkland.com  
16 *Attorneys for Defendant American*  
17 *Express Company and American*  
18 *Express Travel Related Services*  
19 *Company, Inc.*

20 I hereby attest that concurrence in the filing of this stipulation has been obtained for  
21 all signatures indicated by a "conformed" signature (/s/) within this e-filed document.

22 Date: September 11, 2008

/s/ Perry Clark  
Perry Clark

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1 9/15/08 Wm. Alsup for  
2 Dated:  
3 \_\_\_\_\_  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Honorable Susan Illston